HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE G.V.SEETHAPATHY

WRIT PETITION No. 11096 of 1995

Between:

Sri C.Akkul Reddy and another

…Petitioners

AND

The Government of Andhra Pradesh,
Department of Panchayat Raj,
Hyderabad and others

…Respondents

Counsel for the petitioners: Sri M.Chandrasekhar Reddy

Counsel for Respondents: Government Pleader for Panchayat Raj

Dated: 14-9-2006

ORDER:

Per G.S.Singhvi, CJ

In this petition, the petitioners have prayed for quashing G.O.Ms.No.232, Panchayat Raj, Rural Development and Relief Department dated 18.04.1995 issued by the State Government for bifurcation of Arikela Gram Panchayat and resultant constitution of new Gram Panchayat with head quarters at Manevaripalle.

At the commencement of hearing, we pointed out to Sri M.Chandrashekar Reddy, learned counsel for the petitioners that the relief prayed for in terms of the prayer made in the writ petition cannot be granted, because neither Arikela Gram Panchayat nor the newly constituted Gram Panchayat has been impleaded as party.

In reply, learned counsel submitted that while issuing Rule nisi, this court stayed further proceedings pursuant to Roc.No.2498/95/A5B4 (Pts) including holding of election to Arikela Gram Panchayat as well as newly constituted Gram Panchayat with head quarters at Manevaripalle, Ramasamudram Mandal, Chittoor District and, therefore, non-impleadment of Gram Panchayat Arikela and the newly constituted Gram Panchayat cannot be made a ground for non-suiting the petitioners.

We have considered the submission of the learned counsel, but have not felt impressed. In our opinion, non-impleadment of the Gram Panchayats likely to be affected by quashing of the impugned G.O.Ms. is fatal to the maintainability of the writ petition because without issuing notice and affording opportunity of hearing to the original Gram Panchayat as well as the newly carved out Gram Panchayat, the court cannot quash the order issued by the Government for the bifurcation of Arikela Gram Panchayat.

With the above observation, the writ petition is dismissed.

As a sequel to dismissal of the main writ petition, W.P.M.P.No. 13605 of 1995 filed by the petitioners for interim relief is also dismissed and the interim order dated 21-6-1995 is vacated.

G.S.SINGHVI, CJ

14th September, 2006

G.V.SEETHAPATHY, J

GRR